

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

---

ROBERT LEE ALLEN

\*

Plaintiff,

\*

v.

\*

2:07-CV-982-WKW

AUTAUGA DEPUTY B. DILLON

\*

Defendant.

---

\*

**ORDER ON MOTION**

Upon consideration of Plaintiff's Motion to Strike O.J. Strother's Name from the Instant Complaint, and for the reasons stated in the court's November 28, 2007 order (*see Doc. No. 12*), it is

ORDERED that the motion (*Doc. No. 18*) be and is hereby DENIED.

Plaintiff has filed a motion for leave to amend complaint. He seeks to name Deputy Birtley as a defendant to this cause of action and states that this individual transported him to Montgomery County on February 7, 2007 where he (Plaintiff) was subsequently arrested. Upon consideration of the motion, and upon review of the pleadings and documents heretofore filed in this matter, it is

ORDERED that the motion (*Doc. No. 18*) be and is hereby DENIED at this time. The

request may be reconsidered if warranted by further developments in this matter.

Done, this 17<sup>th</sup> day of January 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE